

Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989 • www.montgomerycountymd.gov/council

The Council Agenda is subject to change any time after printing or during the Council meeting. Please contact the Council Office or visit our website to obtain updates.

*This meeting will be televised live on Channel 6;
repeated on 8/3/07 at 8 pm and 8/4/07 at 9 am*

Tuesday, July 31, 2007

9:30 **INVOCATION** - Venkataramany Balakrishnan, Sri Siva Vishnu Temple

9:35 **GENERAL BUSINESS**

A. Announcements

- Agenda and Calendar Changes (Lauer)
- The public hearing on the FY09 Annual Budget Priorities and Performance Measures will be held on September 11, 2007 at 7:30 pm.
- The public hearing on the Spending Affordability Guidelines for FY09 Capital Budget will be held on September 18, 2007 at 1:30 pm.

(1)

B. Acknowledgement - Receipt of Petitions

C. Action - Approval of Minutes: July 10, 2007

- Approval of Closed Session Minutes: May 1, 2007

(2)

9:40 **CONSENT CALENDAR**

A. Receipt and Release - Office of Legislative Oversight Report 2007-10: Inventory of Internal Service Functions Performed by Five County Departments (Latham)
MFP Committee worksession tentatively scheduled for 9/17/07.

B. Introduction - Resolution to consolidate the new bond authorization with all previously authorized general obligation bonds (Sherer)
Action is tentatively scheduled for 9/18/07.

C. Introduction - Resolution to authorize an increase in bond anticipation notes and to consolidate this new authorization with all previously authorized bond anticipation notes (Sherer)
Action is tentatively scheduled for 9/18/07.

(2) 9:40 **CONSENT CALENDAR** *(continued)*

- D. **Action** - Resolution to approve the Office of Legislative Oversight's FY08 Work Program (Orlansky)
MFP Committee recommends approval as amended.
- E. **Action** - Executive Regulation 18-07AM, Personnel Regulations - Fire and Rescue volunteers applying for "Employee Only" vacancies (Davidson/John)
MFP Committee recommends approval as amended.
- F. **Action** - Extension of time for Council action on resolutions due to expire August 31, 2007 (Lauer)
- G. **Action** - Resolution to approve the FY08 schedule of revenue estimates and appropriations (Sherer)
- H. **Action** - Appointment of special counsels to represent Montgomery County regarding: 1) public finance matters: McKennon Shelton & Henn, and 2) regarding collective bargaining issues: Seyfarth Shaw LLP (Faden)
- I. **Action** - Confirmation of County Executive appointments to the Adult Public Guardianship Review Board: Carol Yesley, June Colilla, Donna Clemons-Sachs, Lynn R. Winchell (Ferber)
- J. **Action** - Confirmation of County Executive appointment to the Alcohol and Other Drug Abuse Advisory Council: Elizabeth Arnold
- K. **Action** - Confirmation of County Executive appointments to the Commission on Children and Youth: Sally M. Katz, Ashley Martin, Alex Kim, Samuel E. Prywes, Cassandra M. Maxwell, Ben Moskowitz, Lin Yuan, Emma H. Ross (Ferber)
- L. **Action** - Confirmation of County Executive appointments to the Commission on Health: Eva Feder, Dan Moskowitz, Arthur L. Williams, Lee Goldberg, Harry T. Kwon, Marcos Pesquera, Amjad Riar (Ferber)
- M. **Action** - Confirmation of County Executive appointments to the East County Citizens Advisory Board: John P. Thomas, Jemal A. Cheatham, Marva R. Deskins, Ismael Gama, Will S. Kenlaw III, Allan Mulligan, Prasiddh N. Sinha, Kimberly Y. Campbell (Ferber)
- N. **Action** - Confirmation of County Executive appointments to the Friendship Heights Transportation Management District Advisory Committee: Leonard J. Grant, Jeffrey Slavin, N. Leslie Olson, Jessica M. Adams (Ferber)
- O. **Action** - Confirmation of County Executive appointments to the Long Branch Advisory Committee: Edmund J. Kenny, Viviana Azar, Alicia D. Powers (Ferber)

(2) 9:40 **CONSENT CALENDAR** *(continued)*

- P. **Action** - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Frieda K. Lacey, Sheldon Fishman, Steven Morrison (Ferber)
- Q. **Action** - Confirmation of County Executive appointment to the Sign Review Board: Brian A. Porto (Ferber)
- R. **Action** - Confirmation of County Executive appointment to the Silver Spring Transportation Management District Advisory Committee: Tom Collins (Ferber)
- S. **Action** - Confirmation of County Executive appointments to the Washington Suburban Transit Commission: Gordon Linton, L. Mark Winston (Ferber)
- T. **Action** - Confirmation of County Executive appointments to the Commission for Women: Jaclyn R. Lichter, Resa Levy, Yun Jung Yang, Regina Oldak, Lily Qi, Nelson A. Garcia, Larniece McKoy Moore (Ferber)
- U. **Action** - Confirmation of County Executive appointments to the Housing Opportunities Commission: Pamela Lindstrom and Sally Roman (Ferber)
- V. **Introduction** - Special appropriation to the County Government's FY08 Operating Budget, Department of Finance, Economic Development Fund - Emergency Assistance Program - \$1,500,000 to address the adverse economic impact of the 2007 drought on the agricultural community (Source: General Fund) (Ferber)
Public Hearing is scheduled for 9/11/07 at 1:30 pm.

- (3) 10:00. **ACTION** - Confirmation of the County Executive's appointee as Director, Office of Community Partnerships: Bruce Adams (Ferber)
- (4) 10:05 **ACTION** - Confirmation of the County Executive's appointee as Executive Director, Criminal Justice Coordinating Commission: Michael L. Subin (Ferber)

10:10 **BOARD OF HEALTH**

- (5) A. **Introduction** - Resolution to adopt Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus, sponsored by Councilmember Leventhal (Mihill)
Public Hearing is scheduled for 9/18/07 at 7:30 pm.

10:15 **LEGISLATIVE SESSION Day # 24**

- A. Approval of Legislative Journal: July 3, 2007 (Lauer)
- B. Introduction of Bills
- (6) • **Bill 19-07**, Eating and Drinking Establishments - Nutrition Labeling, sponsored by Councilmember Leventhal (Mihill)
Public Hearing is scheduled for 9/18/07 at 7:30 pm.

10:15 **LEGISLATIVE SESSION Day # 24** *(continued)*

B. Introduction of Bills *(continued)*

- (7) • **Expedited Bill 20-07**, Bond Authorization, sponsored by Council President at request of the County Executive (Sherer)
Public Hearing and action is scheduled for 9/18/07 at 1:30 pm.
- (8) • **Expedited Bill 21-07**, Personnel - Disability Retirement - Group F and G, sponsored by the Council President at the request of the County Executive (Mihill)
Public Hearing is scheduled for 9/11/07 at 1:30 pm.

C. Call of Bills for Final Reading

- (9) • **Expedited Bill 16-07**, Admissions and Amusement Tax - Exemption - Golf Courses (Faden)
MFP Committee worksession is scheduled for 7/30/07. If further committee review is required, action on this bill will be deferred.
- (10) • **Expedited Bill 18-07**, Tenant Displacement - Sale of Mobile Home Park - Right of First Refusal (Boucher)
PHED Committee recommends approval.
- (11) • **Expedited Bill 17-07**, Taxicabs - Driver Identification Cards (Mihill)
T&E Committee recommends approval as amended.
- (12) • **Bill 15-07**, Forest Conservation - Religious Institutions (Faden)
T&E Committee recommends approval as amended; action on this bill is scheduled pending receipt of the Planning Board's opinion.

11:00 **DISTRICT COUNCIL SESSION**

- (13) A. **Introduction** - Zoning Text Amendment 07-10, Central Business District (CBD) Zones - Amendments, sponsored by the Council President at the request of the Planning Board and Councilmember Floreen (Zyontz)
Action - Resolution to establish public hearing for 9/11/07 at 1:30 pm.
- (14) B. **Introduction** - Zoning Text Amendment 07-11, Upper Paint Branch Special Protection Area - Standards, sponsored by Council President Praisner and Councilmembers Trachtenberg, Andrews and Elrich (Zyontz)
Action - Resolution to establish public hearing for 9/11/07 at 1:30 pm.
- (15) C. **Introduction** - Zoning Text Amendment 07-12, Accessory Structures - Size, sponsored by Councilmember Ervin and Council President Praisner (Zyontz)
Action - Resolution to establish public hearing for 9/11/07 at 1:30 pm.
- (16) D. **Introduction** - Subdivision Regulation Amendment 07-03, Preliminary Subdivision Plans - Approvals - Applicability of Growth Policy Amendments - Extension (Faden)
Public Hearing/Action is scheduled for 9/11/07 at 1:30 pm.

- (17) 11:20 **ACTION** - Resolution to amend FY08 Transportation Fees, Charges, and Fares (Orlin)
T&E Committee recommendation will be available 7/30/07.
- 12:00 **RECESS**
- (18) 1:30 **PUBLIC HEARING/ACTION** - Supplemental appropriation to the County Government's FY08 Capital Budget and amendment to the FY07-12 Capital Improvements Program, Department of Public Works and Transportation - \$14,463,000 for State Transportation Participation (Source: Revenue Bonds-Liquor Fund) (Orlin)
T&E Committee recommendation will be available 7/30/07.
- (19) 1:30 **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY08 Operating Budget, Offices of the County Executive - \$200,000 to implement provisions of the Road Code (Source: General Fund) (Orlin)
T&E Committee recommendation will be available 7/30/07.
- (20) 1:45 **DISCUSSION** - State Legislative Program (6th floor Council Conference Room) (Mihill)
- (21) 3:30 **ACTION** - Resolution to request the Department of Health and Human Services to issue a Request for Expression of Interest for a benchmark study of Montgomery County's five hospitals with a focus on Certificate of Need projects (Obrig)
- 4:30 **ADJOURN**

The next regular Committee meeting is scheduled for September 6, 2007. The next regular Council Session is scheduled for September 11, 2007. The agenda and committee schedule will be mailed and posted to the web site on September 6, 2007. Please see the listing below for future Council meetings and public hearings.

FUTURE COUNCIL MEETINGS

County Council meeting notices are posted on the bulletin board in the fifth floor lobby of the Council Office Building in Rockville, pursuant to State law.

Note: See the COMMITTEE AGENDA for a listing of the Committee meetings currently scheduled.

Aug 6 - Sep 5, 2007		RECESS
Sep 3, 2007		HOLIDAY
Sep 11, 2007	8:30 am	Breakfast Meeting with County Executive
Sep 11, 2007	9:45 am	Regular Session
Sep 18, 2007	9:30 am	Regular Session
Sep 25, 2007	9:30 am	Regular Session
Sep 26, 2007	7:30 pm	Town Hall Meeting

FUTURE PUBLIC HEARINGS
To testify call 240-777-7931

Sep 11, 2007

- 1:30 pm Special appropriation to the County Government's FY08 Operating Budget , Department of Finance, Economic Development Fund - Emergency Assistance Program - \$1,500,000 to address the adverse economic impact of the 2007 drought on the agricultural community
- 7:30 pm FY09 Annual Budget Priorities and Performance Measures

Sep 18, 2007

- 1:30 pm Spending Affordability Guidelines for FY09 Capital Budget
- 7:30 pm Resolution to adopt Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus
- 7:30 pm **Bill 19-07**, Eating and Drinking Establishments - Nutrition Labeling

COUNCIL SEEKS APPLICANTS
FOR TWO POSITIONS ON
BOARD OF APPEALS

DEADLINE 5:00 P.M., September 18, 2007

The Montgomery County Council is seeking applicants for two four-year terms on the County Board of Appeals. The terms of Donna Barron (Republican) and Allison Ishihara Fultz (Democrat) will expire in September 2007. Ms. Barron has served two full terms and is not eligible for reappointment. Ms. Fultz is Chairman of the Board and has indicated that she will apply for reappointment.

By law, no more than three members of the Board shall be from the same political party. These positions can be filled by a Democrat (D), Republican (R) or a voter who declines to affiliate with a party, or is a member of another party officially recognized by the Board of Elections. Current members of the Board are: Donna Barron, (Republican); Allison Ishihara Fultz, Chairman (Democrat); Caryn Hines (Democrat); Wendell Holloway, Ph.D. (Democrat); and Catherine Titus, (Republican). Members of County boards, committees and commissions may not serve on more than one such group at a time.

Members of the Board receive \$14,675 annually, with the Chairman receiving \$21,013. Salaries are adjusted annually each December to reflect 50 percent of the change in the Washington Area Consumer Price Index.

Duties of the Board of Appeals are: (1) make decisions on most applications for special exceptions as provided in the Zoning Ordinance, (2) hear and decide requests for variances from development standards contained in the Zoning Ordinance, and (3) hear appeals from certain administrative decisions rendered by County Government agencies.

The Board normally holds weekly hearings all day Wednesday and worksessions every other week. If necessary to accommodate an extended caseload or continued hearings, the Board schedules hearings on other weekdays. Members are expected to prepare for the hearings by reading the cases to be heard and to share the workload of drafting and editing opinions or to follow-up on investigations on specific cases. Members work approximately 15-25 hours a week.

The principal jurisdiction of the Board of Appeals (concerning special exceptions and variances under the Zoning Ordinance) does not include the municipalities of Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. The normal Council practice is not to appoint residents of those municipalities to this Board.

Letters expressing interest, including a resume listing professional and civic experience, should be addressed to Council President Marilyn J. Praisner, County Council Office, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland 20850, and must be **received no later than 5:00 p.m., Tuesday, September 18**. It is the Council's policy not to consider applications received after the deadline. After the September 18 deadline, Councilmembers will review the letters of application and select applicants for interviews to be held in late September or early October.

Letters of application are made public as part of the appointment process. The names of all applicants are published and available for public review, and interviews are open to the public. A financial statement of assets, debts, income, and family property interests will be required of all applicants; only the appointed candidate will be required to make the financial statement available to the public.

FOR INFORMATION: Justina Ferber, 240-777-7938

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Montgomery County Council
Legislative Information Services

Packet Index

Tuesday, July 31, 2007

Item Number	Note	Staff
Agenda Item #8	This item will be available on Monday, July 30, 2007.	Mihill
Agenda Item #9	Please bring your MFP #1 packet from July 30, 2007 meeting. Supplemental packet to follow after MFP Committee recommendation.	Faden



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ADDENDUM

Tuesday, July 31, 2007

(2) 9:40 CONSENT CALENDAR

Delete #2

H. **Action** - Appointment of special counsels to represent Montgomery County regarding: 1) public finance matters: McKennon Shelton & Henn, and 2) regarding collective bargaining issues: Seyfarth Shaw LLP

(Faden)

Add:

W. **Introduction** - Resolution to affirm rejection of incorporation of Rollingwood Village of Chevy Chase
Public Hearing is scheduled for 9/20/07 at 7:30 pm.

(Faden)

10:15 LEGISLATIVE SESSION Day # 24 (continued)

Deferred: (8)

B. Introduction of Bills (continued)

- **Expedited Bill 21-07**, Personnel - Disability Retirement - Group F and G, sponsored by the Council President at the request of the County Executive

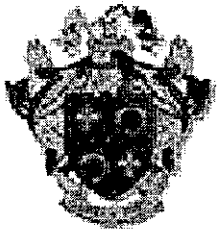
(Mihill)

Public Hearing is scheduled for 9/11/07 at 1:30 pm

Add: (19.1)

1:45 **ACTION** - Executive Regulations 18-06AM, Workforce Housing
PHED Committee recommends approval.

(McMillan)



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Tuesday, July 31, 2007

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Agenda Item #8	This item has been removed from the agenda.	Mihill
Agenda Item #9	Please bring your MFP #1 packet from July 30, 2007 meeting. Supplemental packet to follow after MFP Committee recommendation.	Faden